Senate Judiciary Committee Passes Legislation to Eliminate Discriminatory Language in Property Documents

Sacramento, Calif. – By a vote of 3-2, the Senate Judiciary Committee passed Assembly Bill 2204, authored by Assemblymember Hector De La Torre (D - South Gate), which removes discriminatory language from any deed related to the title of a house.

While some restrictive covenants are benign and only intend to preserve some aspect of a property or the property's surrounding environment, others have a dark history. Restrictive covenants restricted the sale of property to members of specific ethnic, religious or other groups.

"It is unbelievable that offensive language is still allowed to remain in housing documents," said De La Torre. "Although the language is often hidden away, there is no justifiable reason to simply ignore this hurtful language as if it does not exist. This legislation will wipe out the legacy of discriminatory language remaining in legal papers."

Under current law, homeowners may request that the language be stricken. However, few Californians are aware of this option. In fact, in Sacramento County, little more than a dozen owners have made the request to "clean" their deeds.

Assembly Bill 2204 will require county recorders to remove this unnecessary language instead of relying upon complaints being made by an owner. This language must be removed from all copies of documents upon transfer to a new owner of the property.

Assembly Bill 2204 now moves to the Senate Appropriations Committee for its fiscal hearing.

Background:

In the *Shelley v. Kraemer* (1948) decision, the United States Supreme Court ruled that discriminatory restrictive covenants were unenforceable because these provisions were used for segregationist purposes. Although they are now void, these covenants remain in living deed instruments and other documents, serving as painful reminders of past practices of a divided California.

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